

## Review Updates (The Non-Controversial Issues)

### New Development:

- Recommended Decision: Approve
- Concern Raised in Proposed Decision: State had not finalized TMDL Implementation Guidance.
- Reason for Recommended Action: State has now finalized TMDL Implementation Guidance as requested and satisfied all three elements needed for voluntary approach.
- Revisions to Proposed Rationale: Updated to reflect guidance has been final and minor editorial changes to improve clarity.
- Concerns raised during public comment period: XXX
- Status: Rationale drafted; summary of comments drafted; response to comments in progress.

### Forestry Landslides:

- Recommended Decision: Disapprove
- Concern Raised in Proposed Decision:
  - Timber harvests on unstable, steep terrain can result in increases in landslide rates which contribute to water quality impairments. A significant number of studies continue to show increases in landslide rates after clear-cutting compared to unmanaged forests in the Pacific Northwest.
  - State does not have programs in place to protect high-risk landslide areas to ensure water quality standards and designated uses are achieved per condition placed on program in 1998.
- Reason for Recommended Action: State still does not have programs in place to protect high-risk landslide areas to ensure water quality standards and designated uses are achieved.
- Revisions to Proposed Rationale: Citing additional science to show that harvesting and road construction on high-risk landslide areas does increase risk of landslides and impact water quality.
- Concerns raised during public comment period:
  - XX members of the public provided comments on this issue. XX supported NOAA and EPA's position.
  - \*\*\*\*
- Status: Rationale drafted but still working to improve science discussion; summary of comments drafted; response to comments not started.

### **Response to General Comments:**

- Topics of General Comments included:
  - Overall support/lack of support for proposed decision
  - Suitability of voluntary approaches to meet CZARA requirements
  - NOAA/EPA holding EPA to a higher standard
  - CZARA requires state to address issues outside of its control
  - State should have more time to develop CNP
  - CNP needs to address climate change
  - Effectiveness of Oregon's monitoring, tracking, and enforcement efforts
  - Questions NOAA/EPA's authority for establishing additional MMs
  - Suitability of state's process for identifying CCAs and additional MMs.
- Status: Summary of comments drafted; responses to 14 summary comments drafted (3 more to go although a few responses may need to be tweaked based on final decisions for other management measures)

### **Responding to Public Comments on Other Aspects of Oregon's Coastal Nonpoint Program that We Did Solicit Comments (such as on the Effectiveness of Oregon's General Monitoring and Tracking Efforts)**

- Recommended Action: Acknowledge comments received. State that we did not solicit comments on these aspects of Oregon's program and are only considering comments related to new development, OSDs, additional management measures for forestry, agriculture, and general comments regarding CZARA at this time. There will be another opportunity for the public to comment on these specific aspects of Oregon's program when NOAA and EPA propose to approve Oregon's program.
- Reason for This Response:
  - Avoids responding substantively to comments that may indicate a decision the federal agencies have made a decision about elements of Oregon's program until we are assured we have received all comments and information on these MMs.
  - Avoids a providing a substantive response that may conflict the decision and statements made in the rationale we will draft once we propose approval of these MMs.
- Next Steps:
  - Develop standard response that undergoes technical, policy, managerial and legal review.